

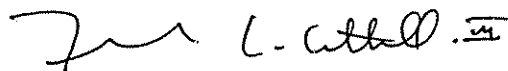
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE: '318 PATENT INFRINGEMENT LITIGATION )  
C.A. No. 05-356 (KAJ)  
(consolidated)

**DEFENDANT ALPHAPHARM PTY., LTD.'S RULE 12(C) MOTION  
AND JOINDER IN MOTION FOR JUDGMENT ON THE PLEADINGS  
DISMISSING PLAINTIFFS' WILLFUL INFRINGEMENT CLAIMS OR, IN  
THE ALTERNATIVE, TO BIFURCATE AND STAY DISCOVERY ON SUCH CLAIMS**

Defendant Alphapharm Pty., Ltd., by and through its undersigned counsel, hereby moves this Court pursuant to Fed. R. Civ. P. 12(c) for an Order substantially in the form attached hereto dismissing Plaintiffs' willful infringement claims or, in the alternative, to bifurcate and stay discovery on such claims. Defendant Alphapharm Pty., Ltd. joins in Defendant Mylan's Rule 12(c) Motion for Judgment on the Pleadings Dismissing Plaintiffs' Willful Infringement Claim or, in the Alternative, to Bifurcate and Stay Discovery on Such Claim (D.I. 57) and incorporates by reference herein the Motion (D.I. 57), Memorandum (D.I. 58) and Compendium (D.I. 59) in support of the Motion filed by Defendant Mylan. The issues raised in both motions are identical.

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Dated: December 28, 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE: '318 PATENT INFRINGEMENT LITIGATION	) ) )	C.A. No. 05-356 (KAJ) (consolidated)
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**ORDER**

The Court having considered Defendant Alphapharm Pty., Ltd.'s Rule 12(c) Motion for Judgment on the Pleadings Dismissing Plaintiffs' Willful Infringement Claims or, in the Alternative, to Bifurcate and Stay Discovery on Such Claims and the parties' arguments in support and opposition thereof,

IT IS HEREBY ORDERED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_ that the Motion is GRANTED.

\_\_\_\_\_  
United States District Court Judge

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

**CERTIFICATE OF SERVICE**

I hereby certify that on December 28, 2005, I electronically filed the foregoing with the Clerk of Court using CM/ECF which will send notification of such filing to the following and which has also been served as noted:

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I further certify that on December 28, 2005, the foregoing document was sent to the following non-registered participants in the manner indicated::

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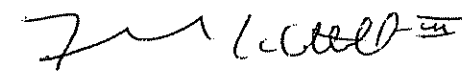
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